

FILED  
BY:   D    
2020 MAY 22 PM 2:39  
JANET TIVWELL  
CLERK

**IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**

**IN AND FOR THE COUNTY OF MOHAVE**

**IN THE MATTER OF:**

**TRANSITION TO RESUMPTION OF  
CERTAIN OPERATIONS INCLUDING  
IN-PERSON HEARINGS AND JURY  
TRIALS**

**ADMINISTRATIVE ORDER  
NO. 2020-23**

The Supreme Court has issued Administrative Order No. 2020-79 that provides direction on the transition to resumption of certain operations in an orderly way that prioritizes the safety of the public, judges and employees of the judiciary. The Supreme Court and the Mohave County Courts have remained committed to being open to serve the public. The Supreme Court has further limited and changed court practices and operations necessary to address the ongoing threat to public safety given the concern for the spread of COVID-19 in the general population. Supreme Court Administrative Order No. 2020-79 directs that Presiding Superior Court Judges shall determine for the courts in their respective counties how in-person court proceedings and courthouse activities are to be phased in and conducted that are consistent with that Administrative Order and in a manner that protects the health and safety of all participants.

The Superior Court judges, Limited Jurisdictions Judges and court staff have met on several occasions to address public safety issues, technological aspects and logistical concerns with respect to safely reinstituting in-person hearings and jury trials. Coordination has been ongoing with the judges and local criminal justice system stakeholders and the court's IT Department as to how best to handle the phasing in of normal procedures in criminal matters. This Administrative Order provides additional specifics with respect to the transition to resumption of various court operations in such a manner that further prioritizes the safety of the public, judges and employees of the judiciary. Where it is referred to as presiding over "matters" or "hearings" the requirements apply to all proceedings whether criminal, civil, domestic relations, probate, juvenile, etc. Otherwise the specific type of matter or hearing, shall be identified.

**IT IS, THEREFORE, ORDERED** beginning June 1, 2020:

## **I. TO PROTECT COURTHOUSE SAFETY.**

1. To the greatest extent practicable in Criminal and Juvenile matters involving an in-custody individual hearings should continue to be completed by video or teleconference in order to limit the number of transportation events of in-custody individuals by jail or probation staff to court hearings. In the event transports are necessary, the court shall continue to follow CDC social distancing guidelines as set forth herein.
2. The number of persons at any court proceeding shall normally be limited to ten (10) for in-person hearings and the six (6) foot social distancing requirement followed. In the judge's discretion any in-person hearing or when conducting a jury trial, the judge presiding over the matter may authorize groups larger than ten (10), but not to exceed the total number of persons each courtroom can accommodate taking into account the social distancing requirements. Specialty Courts may continue to be conducted remotely or telephonically. In-person appearances in Specialty Courts shall adhere to the aforementioned requirements of this subsection.
3. Judges presiding over matters shall continue to limit any required in-person proceedings to attorneys, parties, victims, witnesses, jurors, court personnel and other necessary persons. The same may further be required to appear telephonically or remotely by ZOOM or other video conferencing if necessary to maintain the maximum number of participants in a courtroom.
4. Pursuant to Arizona Supreme Court Administrative Order 2020-79, all persons attending court in-person are required to wear a mask, face covering or face shield to enter a court facility or probation office. The general public is directed to bring their own mask, face covering or face shield. A person refusing to wear a mask, face covering or face shield shall not be permitted to enter the court facility. The general public shall continue to maintain wearing the mask, face covering or a face shield while within the court facility except as otherwise provided herein. Attorneys or parties specifically addressing a judge may temporarily remove their mask or face covering while speaking. Individuals called as witnesses shall remove their mask or face covering while testifying in open court. A face shield utilized in lieu of a mask will not be removed when addressing the court or as an individual testifies.

5. Court staff are required to follow the health protocols established by the Arizona Supreme Court in Administrative Directive 2020-10. Court staff when encountering the public shall wear a mask, face covering or face shield unless there is a glass or plexiglass barrier. Court staff shall further wear a mask, face covering or face shield while within the courtroom unless there is a plexiglass barrier. Court staff shall not be required to wear a mask or face shield at workstations provided there is adequate social distancing. If there are two (2) or more employees at a workstation, masks, face coverings or face shields shall be required to be worn. Staff shall wear masks, face covering or face shields if moving amongst the general population in a court facility.
6. Judges shall wear masks, face covering or face shields if moving amongst the general population in a court facility. Judges are not required to wear masks, face covering or face shields when in chambers unless appropriate social distancing cannot be maintained should there be visitors to chambers. In the courtroom judges shall have the option of wearing a face shield, face covering or a mask, or having plexiglass installed where appropriate on the bench.
7. Court security shall question each member of the general public entering a court facility as to COVID-19 symptoms utilizing the AOC's health screening protocol Level 2 as established by Arizona Supreme Court Administrative Directive No. 2020-10. Court security shall exclude any person failing the screening protocol from entering into the courthouse. In such an instance, the individual will be provided the necessary information in order for the individual to complete or conduct his or her business with the court. Information shall be provided with respect to filing documents or electronic payments for fines or fees. In the event the individual was to participate in court hearings specific information shall be provided to the individual to request a continuance or to appear telephonically or by ZOOM or other electronic means at any such hearing. Court security shall further notify the appropriate division of the court as to the individual's inability to enter the courthouse and participate at the hearing.
8. Court Orders and Minute Orders shall notify counsel and parties of the requirement to wear a mask or face shield. In addition, counsel and parties will be notified to contact the Court in advance of any hearing of any COVID-19 diagnosis, symptoms or exposure. Such notifications are not required if no hearing is set or if a telephonic hearing is set.

## **II. USE OF TECHNOLOGY TO MINIMIZE IN-PERSON PROCEEDINGS.**

1. Beginning July 1, 2020, Court IT shall provide public access by audio to civil and criminal court proceedings that would otherwise typically be open to the public. Court IT shall set forth on the court's website the specific information for the general public to access the audio to civil and criminal court proceedings from the Superior Courts, Justice Courts and Municipal Courts. Court IT shall further list the availability of such audio proceedings on the AZ Court site.
2. Grand jury shall continue to be completed remotely through the ZOOM application. Empanelment of future grand juries may occur through in-person as well as remote appearances.
3. Through August 21, 2020, the criminal divisions are authorized to conduct jury empanelment and voir dire through a combination of in-person as well as remote proceedings through ZOOM or other electronic means on a trial basis. The criminal judges shall assess with the criminal justice partners and stakeholders as to the efficacy of such a process for the conduct of jury trials to commence after August 24, 2020, and subject to additional or further local administrative order.
4. Given the limitation of the number of participants that can be present in criminal courtrooms given social distancing requirements, as well as the limitations in the jury assembly room, Court Administration is directed to secure an offsite facility for further jury assembly to meet the social distancing requirements. Court IT is further directed to address the ability of the prospective jurors to appear remotely for jury empanelment and voir dire from the offsite location as well as the jury assembly room.

## **III. PRIORITIZING CASE PROCESSING.**

1. The Supreme Court in Administrative Order 2020-79 has set forth the priority of matters with respect to jury trials, as well as in-person court hearings. In light of the backlog of criminal jury trials, which have priority, civil jury trials are herewith temporarily suspended until said suspension is lifted by a subsequent Administrative Order.


#### **IV. ADDITIONAL MEASURES TO SAFELY PROVIDE FOR JURY TRIALS AND GRAND JURIES.**

1. Prospective jurors shall be provided an information sheet that will address how jury empanelment and voir dire processes may occur including through remote proceedings.
2. Jury information sheet shall further instruct the prospective jurors to immediately notify the court of any COVID-19 diagnosis, symptoms or exposure notification by public health authorities. Prospective jurors with a diagnosis, experiencing symptoms or exposure to COVID-19 are not to appear at a Court facility.
3. In accord with A.R.S. § 21-202(B)(2), Jury Commissioners must temporarily excuse prospective jurors whose jury service would substantially and materially affect the public welfare in an adverse manner, including but not limited to, those who report a COVID-19 diagnosis, symptoms or notification by a public health official of exposure to COVID-19 and may temporarily excuse potential jurors who are highly vulnerable to COVID-19.
4. The Jury Commissioner may direct prospective jurors to the courtroom where the matter is to be tried, the jury assembly room or an offsite facility in order to maintain social distancing. Masks or face shields shall be required to be worn by the prospective jurors.
5. After each jury panel has completed the voir dire process, the offsite facility and the jury assembly room shall be thoroughly cleaned and disinfected. For those individuals that are directed to the courtroom, jury assembly room or off-site facility, the same shall be seated in predetermined and marked seats in order to maintain social distancing. Should a prospective juror be excused during the empanelment process, said location must be cleaned and/or disinfected prior to another juror assuming that location. The witness stand, seat and microphone shall further be cleaned with disinfectants after each witness testifies.
6. To further address the criminal case backlog by separate local Administrative Order, the Honorable Lee F. Jantzen shall be reassigned to take on criminal matters as to be determined. Judge Jantzen's current case assignment shall further in part be reassigned to various non-criminal division judges. Judge

Jantzen is authorized to conduct criminal hearings upon the signing of this Administrative Order.

7. The criminal judges shall stagger their jury empanelment and voir dire process so as to ensure the appropriate cleaning and disinfecting of jury assembly room and the offsite facility.
8. The judge presiding over a jury trial is authorized to issue orders excusing prospective jurors who claim a hardship exemption.

DATED this 22<sup>nd</sup> day of May, 2020.

  
\_\_\_\_\_  
Honorable Charles W. Gurtler, Jr., Presiding Judge  
Mohave County Superior Court

**Original filed with the Clerk of the Superior Court in Mohave County**